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**MEMORANDUM**

**TO:** School District Superintendents

**FROM:** Jacob Oliva

**DATE:** August 27, 2021

**SUBJECT:** **Every Student Succeeds Act (ESSA) Flexibility Waiver – Opportunity for Public Comment through September 10, 2021**

**Contact Information:**

[ESSA@fldoe.org](mailto:ESSA@fldoe.org)

**DPS: 2021-02**

The United States Department of Education (USED) is allowing states to request a waiver for a state educational agency (SEA) to be able to approve a local educational agency (LEA) to carry over more than 15 percent of its fiscal year (FY) 2020 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2021) even if the LEA has received a waiver from its SEA to exceed this limitation for its FY 2018 or FY 2019 Title I, Part A funds.

In addition, USED is offering flexibility to each SEA to be able to extend for itself and its subgrantees the period of availability of FY 2019 funds for programs included in the state's consolidated state plan to allow additional time to obligate those funds.

Florida will request waivers of the following provisions:

- Section 1127(b) of Title I, Part A of the ESEA so the Florida Department of Education (department) may waive more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2020 Title I, Part A funds.
- Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2019 funds for programs in which Florida participates under its approved consolidated state plan until September 30, 2022.

Prior to submitting a waiver request, the department is required to provide the public and interested LEAs notice and a reasonable time for them to comment. The public comment period for these waiver requests is open until September 10, 2021. Please email any comments to [ESSA@fldoe.org](mailto:ESSA@fldoe.org).

JO/mp

JACOB OLIVA  
CHANCELLOR OF PUBLIC SCHOOLS